

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JAMES FERGUSON,)
)
)
Plaintiff,)
)
vs.) Case Number CIV-13-1221-C
)
CAROLYN W. COLVIN, Acting)
Commissioner of the Social Security)
Administration,)
)
Defendant.)

MEMORANDUM OPINION AND ORDER

Having recently obtained a remand to the Commissioner for further proceedings, Plaintiff has filed a Motion for an Award of Attorney's Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). Defendant does not object to the time requested by Plaintiff. Otherwise, Defendant notes that pursuant to Astrue v. Ratliff, 560 U.S. 586, 130 S.Ct. 2521, 2525-26 (2010), fee awards under the EAJA must be made to the party, not the attorney.

After consideration of Plaintiff's request and the relevant time entries, the Court finds Plaintiff's motion should be granted. Defendant is directed to issue payment in accordance with this law and the procedures set forth in its response brief. Additionally, in the event Plaintiff later requests and receives an attorney's fee award pursuant to 42 U.S.C. § 406(b), the smaller amount should be refunded to Plaintiff by his counsel. Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986).

As set forth more fully herein, Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act (Dkt. No. 22) is GRANTED. Plaintiff is awarded attorney's fees in the amount of \$4,758.90.

IT IS SO ORDERED this 2nd day of March, 2015.



ROBIN J. CAUTHRON
United States District Judge